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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,958	06/30/1999	SERGE JEAN MAURICE MISTER	0500.9904131	8512
23418 7590 01/05/2007 VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601			EXAMINER ZAND, KAMBIZ	
			ART UNIT 2132	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/343,958

Applicant(s)

MISTER, SERGE JEAN MAURICE

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15, 24-29 and 42 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 16-19, 30-33, 38-41 and 43 is/are rejected.
- 7) ☒ Claim(s) 5-8, 20-23 and 34-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER
KA
PRIM. ER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 1, 2, 10, 11, 41, and 42 have been amended.
4. New claim 43 has been added.
5. Claims 1-43 are pending.

Response to Arguments

6. Applicant's arguments with respect to claims 5, 20 and 34 on page 14 of applicant's response are persuasive and the rejection of the claims 5, 20 and 34 has been withdrawn.
7. Applicant's arguments with respect to the claims have been considered but they are not persuasive for the following reasons:
 - a) paragraph 1 and 2 of the page 13 of applicant's response only describe applicant's interpretation of the Rivest reference.
 - b) As per applicant's arguments with respect to paragraph 3 of the page 13 of the response that Rivest fails to disclose "storing the provided insertion data", examiner again refers applicant to page 1 and 2 where chaff as fake data that corresponds to applicant's insertion data being stored in order. Examiner further refers applicant to the

Art Unit: 2132

basic of computer architecture that any manipulation of data is being done by storing either permanently or temporarily on either memory (i.e. ROM, RAM, EPROM, etc.) or storage device (i.e. hard disk, etc.) which one of ordinary skilled in the art would recognize. Furthermore once the chaff is inserted as fake data, then it is part of overall data that is being stored (permanently, or temporarily). Furthermore data that is being received or manipulated within a stand alone computer or computing device have to be fetched (if received) or being generated internally. In all those cases they are stored, having being tagged by memory addresses. Also the act of storing is not the invention applicant claiming since the act of storing any kind of data finds its validity since the first computing device was invented.

Examiner suggests the arguments or amendments be related to the concept of the invention, which may be an inventive step (and not a novelty) over prior art if any.

8. Applicant's arguments with respect to the claim 43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

9. **Claims 1-4, 9, 16-19, 30-33, and 38-41** are rejected under 35 U.S.C. 102(b) as being anticipated by Rivest (Chaffing and winnowing: confidentiality without encryption, 24 April 1998) cited in the IDS by Applicant.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the

individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

As per claims 1, 16, 30 Rivest teaches a method, apparatus and an storage medium for facilitating prevention of interception of incoming data that is provided for an execution software application, comprising: preventing interception of the incoming data, by providing non-key based insertion data for insertion as part of the incoming data (see page 1 where examiner consider "chaff" corresponding to Applicant's insertion data which is fake data as disclosed on page 2); storing the generated insertion data; and filtering received incoming data containing actual data and the insertion data (see page 1 and page 2) by comparing stored generated insertion data with incoming data to determine which data is actual data (see page 2 where it disclose filtering packet data that includes chaff as a fake insertion data; it is stored order as disclosed on page 2; also see authentication where examiner considers act of authentication as a comparison action; and where examiner considers the "original message" as corresponding to Applicant's actual data).

As per claims 2, 17 and 31 Rivest teach the method, apparatus and storage medium of claims 1, 16 and 30 including processing the actual data resultant from filtering for use by the software application (see page 2 and 3).

As per claims 3, 18 and 32 Rivest teach the method, apparatus and storage medium of claims 1, 16 and 30 including receiving the generated insertion data and actual data from a data input source; and queuing the insertion data with actual data for output as the incoming data (see page 2 and 3).

As per claims 4, 19 and 33 Rivest teach the method, apparatus and storage medium of claims 1, 16 and 30 including analyzing foreground indication data and enabling generation of the insertion data in response to the foreground indication data (see pages 3 and 4).

As per claim 9 Rivest the method of claim 1 wherein providing includes: providing the insertion data, under control of the software application that is to receive the incoming data (see pages 3-7).

As per claims 38-40 Rivest discloses the insertion data as fake data (see page 2 and 3 where examiner considers the chaff as the fake data inserted to the original message that was broken into packets).

As per claim 41 Rivest teaches a method, apparatus and an storage medium for facilitating prevention of interception of incoming data that is provided for a software application, comprising: preventing interception of the incoming data, by providing non-

Art Unit: 2132

key based insertion data for insertion as part of the incoming data (see page 1 where examiner consider "chaff" corresponding to Applicant's insertion data which is fake data as disclosed on page 2); storing the generated insertion data; and filtering received incoming data containing actual data and the insertion data (see page 1 and page 2) by comparing stored generated insertion data with incoming data to determine which data is actual data (see page 2 where it disclose filtering packet data that includes chaff as a fake insertion data; it is stored order as disclosed on page 2; also see authentication where examiner considers act of authentication as a comparison action; and where examiner considers the "original message" as corresponding to Applicant's actual data), wherein providing includes: providing the insertion data, under control of the software application that is to receive the incoming data (see pages 3-7).

Claim Rejections - 35 USC § 103

As per claim 43 Rivest teaches a method, apparatus and an storage medium for facilitating prevention of interception of incoming data that is provided for a software application, comprising: preventing interception of the incoming data, by providing non-key based insertion data for insertion as part of the incoming data (see page 1 where examiner consider "chaff" corresponding to Applicant's insertion data which is fake data as disclosed on page 2); storing the generated insertion data; and filtering received incoming data containing actual data and the insertion data (see page 1 and page 2) by comparing stored generated insertion data with incoming data to determine which data

Art Unit: 2132

is actual data (see page 2 where it disclose filtering packet data that includes chaff as a fake insertion data; it is stored order as disclosed on page 2; also see authentication where examiner considers act of authentication as a comparison action; and where examiner considers the "original message" as corresponding to Applicant's actual data), wherein providing includes: providing the insertion data, under control of the software application that is to receive the incoming data (see pages 3-7), although Rivest do not explicitly disclose the above operation is being done by keystroke but one of ordinary skilled in the art would recognize that manipulation of data is being done by using a keyboard in combination of other input devices, and therefore one of ordinary skilled in the art would recognize that keystroking are part of the inputting data in a computing device and well known in the art.

Allowable Subject Matter

10. Claims 10-15, 24-29 and 42 are allowed.

11. Claims 5-8, 20-23 and 34-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Application/Control Number: 09/343,958

Page 9

Art Unit: 2132

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KAMPIZ ZAND
PRIMARY EXAMINER

01/03/2007

AU 2132